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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,287	01/23/2004	Michael D. Ellis	81788-4300	9180

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PATENT DEPARTMENT
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EXAMINER	
KARIKARI, KWASI	
ART UNIT	**PAPER NUMBER**
2617	

NOTIFICATION DATE	DELIVERY MODE
06/18/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@winston.com
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Office Action Summary	Application No.	Applicant(s)	
	10/764,287	ELLIS ET AL.	
	Examiner	Art Unit	
	KWASI KARIKARI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 May 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-6,14-16 and 29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-6,14-16 and 29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/03/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/03/2010 has been entered.

Response to Arguments

2. Applicant's arguments, filed on 05/03/2010 with respect to claims 4-6, 14-16 and 29 in the remarks, have been considered but are moot in view of the new ground(s) of rejection necessitated by the new limitations added to claims 4-6, 14-16 and 29. See the rejection below of claims 4-6, 14-16 and 29 for relevant citations found in Kivela, Anderson and Willard disclosing the newly added limitations.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14-16 and 29 are rejected under U.S.C. 102(e) as being anticipated by Kivela et al. (U.S 6,272,359), (hereinafter Kivela).

Regarding claim 29, Kivela disclose a system for providing a modular personal network ("MPN") (= i.e., forming links between devices, see col. 10. lines 1-9; col. 15, lines 20-35 and Figs. 3a and 8) comprising:

a plurality of jewelry individual network components in wireless communication with each other (= communication links between devices, see col. 3, line 32- col. 4, line 23; and first part can be kept on a belt, and the second part on the wrist; and modules 85,89-91, with individual power supply, provides different user function, e.g., module 90 is used as pda to receive e-mail; and module 91 is use to measure blood glucose; see col. 2, lines 22-29 and col. 4, lines 11-23; col. 15, lines 20-55; and Figs. 1a, 4a & 8) via a wireless network protocol (= infrared data communication, see col. 4, lines 24-47; and GSM/CDMA, see col. 14, lines 16-30 and 60-67; col. 15, lines 1-5 and abstract); wherein each jewelry individual network component is configured to store that component's device identification used in the network protocol and the modular personal network in addressing other components during network communications (= communication between peripheral modules 89-91 and core module 85, see col. 15, lines 20-33; col. 15, line 60- col. 16, line 6; and using stored IMEI to securely identify telephone/part 3 and situation where several telephones are within the range of connection LINK1, see col. 6, lines 37-63) and network identification information identifying a current modular personal network in which the components are operating

(= see col. 15, lines 14-19; and the "network identification information" is an inherent feature of a CDMA system which includes base stations); and

wherein each component is configured to adapt to an addition or removal of any modular personal network component of the MPN from the MPN to continue to provide the functions of the remaining plurality of jewelry individual network components (= communication links between devices, see col. 3, line 32- col. 4, line 23; and first part can be kept on a belt, and the second part on the wrist; and modules 85,89-91, with individual power supply, provides different user function, e.g., module 90 is used as pda to receive e-mail; and module 91 is use to measure blood glucose; see col. 2, lines 22-29 and col. 4, lines 11-23; col. 15, lines 20-55; and Figs. 1a, 4a & 8): and

whereby each component in the modular personal network of a user performs one or more actions in response to another component in the modular personal network being removed from the network wherein that action adapts the one or more remaining component to operate with other and continue to generate an output (= communication links between devices, see col. 3, line 32- col. 4, line 23; and first part can be kept on a belt, and the second part on the wrist; and modules 85,89-91, with individual power supply, provides different user function, e.g., module 90 is used as pda to receive e-mail; and module 91 is use to measure blood glucose; see col. 2, lines 22-29 and col. 4, lines 11-23; col. 15, lines 20-55; and Figs. 1a, 4a & 8).

Regarding claim 14 , as cited in claim 29, **Kivela** further discloses wherein at least one of the jewelry-individual network component is a new network component that is added to implement a new function for the user in the modular personal network (= communication links between devices, see col. 3, line 32- col. 4, line 23; and first part can be kept on a belt, and the second part on the wrist; and modules 85,89-91, with individual power supply, provides different user function, e.g., module 90 is used as pda to receive e-mail; and module 91 is use to measure blood glucose; see col. 2, lines 22-29 and col. 4, lines 11-23; col. 15, lines 20-55; and Figs. 1a, 4a & 8).

Regarding claim 15, as cited in claim 29, **Kivela** further discloses wherein at least one of the the jewelry-individual network component, is a new network components automatically join the modular personal network (= communication links between devices, see col. 3, line 32- col. 4, line 23; and first part can be kept on a belt, and the second part on the wrist; and modules 85,89-91, with individual power supply, provides different user function, e.g., module 90 is used as pda to receive e-mail; and module 91 is use to measure blood glucose; see col. 2, lines 22-29 and col. 4, lines 11-23; col. 15, lines 20-55; and Figs. 1a, 4a & 8).

Regarding claim 16, as cited in claim 29, **Kivela** further discloses, wherein the modular personal network automatically continues to operate with any remaining network components when the single network component is removed (= communication links between devices, see col. 3, line 32- col. 4, line 23; and first part can be kept on a belt,

and the second part on the wrist; and modules 85,89-91, with individual power supply, provides different user function, e.g., module 90 is used as pda to receive e-mail; and module 91 is use to measure blood glucose; see col. 2, lines 22-29 and col. 4, lines 11-23; col. 15, lines 20-55; and Figs. 1a, 4a & 8).

4. **Claims 4-5 are rejected under U.S.C. 103(a) as being unpatentable over Kivela in view of Anderson (US 6,594,370), (hereinafter Anderson).**

Regarding claim 4, as recited in claim 29, **Kivela** discloses the jewelry individual network components in a system (see col. 11, line 50- col. 12, line 49); but fails specifically to teach that at least one of the jewelry individual network component is an earring speaker wherein the mount is configured to be worn in the pieced ear.

However, **Anderson**, which is an analogous art, equivalently teaches that the jewelry individual network component is an earring speaker wherein the mount is configured to be worn in the pieced ear (= remote processing unit communicates with earpiece, see col. 4, lines 20-35).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Anderson into the system of Kivela for the benefit of achieving a paring method between device thereby providing a system that includes devices with individual functionalities but can communicate via other devices in the system.

Regarding claim 5, as cited in claim 29, , **Kivela** discloses the jewelry individual network components in a system (see col. 11, line 50- col. 12, line 49); but fails to teach the system wherein at least one of the jewelry individual network component the modular component is an earring.

However, **Anderson** teaches that the remote processing unit communicates with earpiece (see col. 4, lines 20-35).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Anderson into the system of Kivela for the benefit of achieving a paring method between device thereby providing a system that includes devices with individual functionalities but can communicate via other devices in the system.

5. **Claim 6 is rejected under U.S.C. 103(a) as being unpatentable over Kivela in view of Willard (U.S. 4,803,487), (hereinafter Willard).**

Regarding claim 6, as recited in claims 29, **Kivela** discloses the claimed limitations concerning the transceiver and circuitry components
(= communication links between devices, see col. 3, line 32- col. 4, line 23; and Figs. 1a & 4a); but **Kivela** fails to teach that at least one of the component is a ring individual network component wherein: the mount is of a ring configured to be worn around a user's finger.

However, **Willard**, which is an analogous art, equivalently teaches wherein the jewelry individual network component is a ring individual network component wherein:

the mount is of a ring configured to be worn around a user's finger (see col. 3, lines 51-61).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Willard into the system of Kivela for the benefit of achieving a system that include communication receiver which utilizes a separate presentation unit for display of received data message (see Willard col. 2, lines 14-26).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See also, the attached PTO-892

a. Haartsen (US. 6,028,853) teaches a methods and arrangement for radio communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-T (9am - 7pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kwasi Karikari/
Patent Examiner: Art Unit 2617.